

MONTANA LEGISLATIVE HISTORY

Chapter 19 19 62

Bill H _____ S 19 Original bill & history C

H. Committee on Research and Resources S. Committee on State Administration

Hearing Date(s) Jan 30 ✓ C
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Hearing Date(s) Jan 13 ✓ C
Jan 16 ✓ C
Jan 18 ✓ C
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Date Out _____ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

January 13, 1967

A meeting of the committee on State Administration was held in Room 442 January 13 at 9 a.m. with Chairman James presiding. All members were present with the exception of Senator Mackay.

SENATE BILLS 11 and 12 were placed before the committee for their consideration. Senator Judge explained the reason for introducing the bills was simply to increase the compensation from 8¢ to 9¢ per mile to state employees using personal cars and to increase the per diem allowance for state employees. The following proponents appeared:

Walter Murfitt, Montana Public Employees Association; George Hammond and Elton R. Hartze, Montana Council No. 9, American Federation of State, County and Municipal Employees, AFL-CIO; Mike Morris and Ralph L. Nielsen, Montana Prison Employees Association; Bob Korizek, Highway Employees; Robert L. Rampy, Joint Council of Teamsters #23; Kenneth Kelly, Milk Control Board; Lloyd McCormick; Alex McDermott; and Keith Freseman, Deputy Director, Fish and Game Department.

General information offered by the proponents was the present compensation for using personal cars is inadequate as is the per diem allowance. There is always out of pocket expense for state employees who travel and it is difficult to hire men who know they will be doing field work after they learn of the per diem allowance. A question and answer session followed. Proponents were then excused.

SENATE BILL 15 was then taken under advisement by the committee. Mr. Murfitt stated this amends the bill authorizing city and county employees to have one-half or a maximum of \$7.50 of their hospitalization premium paid by their respective employers to have state employees included also. It would not involve any additional monies to be budgeted during the next biennium, but would come from the flat \$25 salary raise allowed by the budget director. George Hammond, Mike Morris, Ralph Nielsen, and Bob Rampy appeared in behalf of the bill.

SENATE BILL 19 was given to the committee for further consideration. Senator Judge informed the committee the reason a bill of this kind had been vetoed by the Governor during the last legislature was because it included the Advertising Department. This bill merely contains all functions of the Planning Board with emphasis in new areas. Appearing before the committee in favor of the bill were Mr. Sam Chapman, Director of the State Planning Board, and Robert R. Butzerin, Attorney for the Water Board. Mr. Butzerin asked that some amendments be made in Section 9. Instead of reading as it does now, he would like it amended to read: "Section 9. Each division/section of the department shall be under the management of a supervisor responsible to the chairman of the commission, and such supervisors and all subordinate personnel of the department shall be appointed by the chairman of the commission, with the consent of the commission. The commission is hereby authorized to adopt rules, regulations, and compensation schedules which shall in all respects be in conformity to the merit system established by law for personnel of the government of the state of Montana."

Senator McKeon moved that in the last sentence of Section 3 it be amended by striking the words "advise on" and insert the word "establish". Senator Haughey seconded the motion. Motion carried.

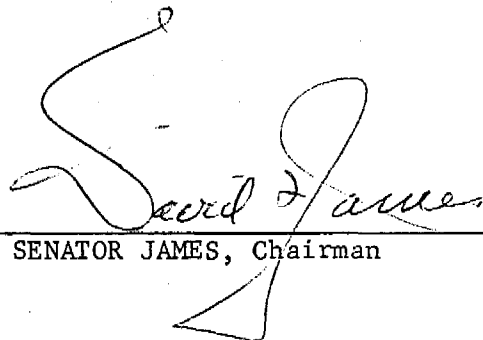
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State Administration Committee Minutes
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Senator McKeon suggested SENATE BILL 19 be referred to a subcommittee for the purpose of checking it more thoroughly to see if there were more amendments, additions or deletions to be made. Senator James appointed Senator McKeon, Chairman, together with Senator Haughey and Senator Rostad to the subcommittee.

Senator Haughey moved the committee recommend that SENATE BILLS 11 and 12 DO PASS after the chairman has conferred with the chairman of the Finance and Claims Committee. Senator McDonald seconded the motion and motion carried.

Senator McKeon moved that SENATE BILL 15 DO PASS. Senator Judge seconded. Senator McKeon then withdrew his motion so that the possibility of getting a fiscal note could be pursued. Senator James asked Senator Rosell to speak to Mr. Morris, the budget director, about this possibility or whatever other information she could obtain.

The meeting was then adjourned.



SENATOR JAMES, Chairman

January 16, 1967

A meeting of the committee on State Administration was called to order at 9 a.m. by Chairman James. Roll call was taken and all were present with the exception of Senator McKeon.

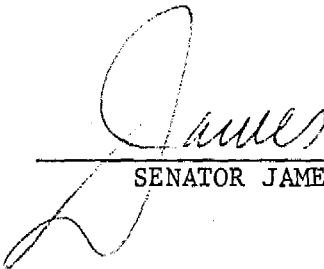
Reports of the subcommittees were as follows: Senator Haughey reported SENATE RESOLUTION 1 should be held pending responses to Senator Cotton's letter to all Boards of County Commissioners of Montana; Senator Haughey also reported on SENATE BILL 19 stating there would have to be many changes and he was working on it together with Senator McKeon.

Senator Rosell reported further on SENATE BILL 15 stating there was a similar bill in the House (No. 49) with a fiscal note stating it would cost \$400,000 per year should this legislation pass. She was asked to invite a speaker to come to the committee meeting Wednesday morning to represent the Highway Department and also from a department that would use general funds.

SENATE BILL 2 was placed in a subcommittee composed of Senator Mackay, Chairman, Senator Judge and Senator Rostad.

HOUSE BILL 12 was placed before the committee for their consideration. Senator Haughey explained the merits of the bill and after general discussion, Senator Judge moved HOUSE BILL 12 BE CONCURRED IN. Senator Mackay seconded. The motion carried with Senator Rosell casting the only dissenting vote.

There being no further business, the meeting was adjourned.



SENATOR JAMES, Chairman

January 18, 1967

The committee of State Administration met in Room 410 January 18, 1967, at 8:30 a.m. The meeting was called to order by Senator James, Chairman. Roll call was taken with Senator Mackay being the only absent member.

SENATE BILL 15 was placed before the committee for further consideration. Proponents appearing were: Walter Murfitt, Montana Public Employees Assn.; Alex McDermott, State Water Conservation Board; Donald MacPherson, Highway Commission attorney; Elton R. Hartze, George McCammon, George L. Hammond and Erwin Dunbar, all of the State, County, and Municipal Employees Assn.; and E. V. "Sonny" Omholt, State Auditor.

Mr. Murfitt again stated he was in favor of this legislation and introduced Mr. Omholt who explained the bill's advantages. He stated employees are now covered by "franchise groups" and the proposed bill would change this to "true groups" which would lower insurance premiums approximately one-third and give better coverage. He gave as an example the accident coverage now available to state employees which has a premium of 6½¢ per thousand compared to open market of 13¢ or 14¢ per thousand. After a question and answer session, Mr. Omholt was excused. Mr. MacPherson then stated the highway employees were very much in favor of this legislation. Alex McDermott again spoke highly of this bill. The proponents were then excused.

Senator McKeon moved SENATE BILL 15 DO PASS. Senator Judge seconded and motion carried.

Senate Bill 19 was reported out of subcommittee by Senator McKeon who stated Senator Haughey had rearranged the bill and it was offered as an amendment to the original bill. Senator McKeon moved SENATE BILL 19 AS AMENDED TO PASS. The motion was seconded by Senator Rostad and motion carried.

SENATE BILL 2 was taken under advisement by the committee. Proponents were: Mrs. Doug Egan, Mrs. JoAnn Woodgerd, Mrs. J. B. Spaulding, Mrs. D. G. Ashton, of the Helena chapter, League of Women Voters; and Mrs. Richard Griffing, President of the Montana League of Women Voters, and Mrs. Firman H. Brown, Jr., Missoula, Montana League of Women Voters.

Senator Graham, author of the bill, explained its intent. A study of the post legislative audit was first made in 1962 with a report recommending its establishment by the Legislative Council. Senator Graham read the purpose of this bill directly from the report prepared. A question and answer session followed. A fiscal note is attached as Exhibit "B". Senator Graham was then excused. Members of the House Committee on State Administration were introduced by their Chairman, Dick Nutting. Those present were: John Staigmiller; Pat Williams; Joe Brand; Dave Drum; Al Newby; Russell Doty; Mark Etchart; George Darrow; Frank J. Jurcich; and the secretary to the committee, Kae Colvert.

Senator James then introduced the Senate committee on State Administration.

Mrs. Richard Griffing offered a prepared statement which is attached hereto and marked Exhibit "A". All proponents and members of the House Committee were excused.

JANUARY 30, 1967

Minutes of the

RESEARCH AND RESOURCES COMMITTEE

Meeting was called to order by Chairman Ulmer. Secretary called the roll.

First order of business was SB19. Senator Judge, chief sponsor, was introduced and explained the purpose of the bill. He said the new language in the bill clearly and specifically outlines the duties and responsibilities of a new department of planning and economic development. Jim Patten was introduced as a spokesman for the Governor who is a proponent of the bill. Sam Chapman was present from the Planning Board to answer any questions. Mr. Wesley D'Ewart, representing the Farm Bureau, spoke as a proponent of SB19. Floor was open to questions. After brief question and answer period, witnesses were excused.

Second order of business was HB344. Representative Patrick, chief sponsor, explained the bill and then introduced state controller Ralph Kenyon. Mr. Kenyon spoke as a proponent of HB344. He said it gives statutory direction for procurement of data processing equipment. Howard Buswell, representing the state highway department, appeared as a proponent of HB344 and presented a proposed amendment. Floor was open to questions:

Drum: How many machines will this bill render inoperative? Kenyon: My intent is that we do not go into any changes now but it is in the future years when someone wants to go into the procurement of data processing equipment they would check with our commission first. Present facilities we have are not expected to change until such time they ask for change.

Worden: Isn't it possible with only one computer centrally located in Helena to handle all the work load? Kenyon: Yes, there are machines large enough, but we need another one to back us up. If you have two smaller ones you can shift the work load; as in the case of a breakdown.

Chairman Ulmer: Under this proposed legislation you would be able to say that the committee feels that you (some certain agency) do not need a computer because you can run what work you have through the machines the state already has. Mr. Kenyon: Yes.

Spahr: Proposed an amendment to the bill and asked permission of the author of the bill to do so. (See attachment)

Witnesses were excused.

Third order of business was HB319. Representative Patrick appeared as a chief sponsor of HB319. He first explained the bill, saying it was a companion bill to two other House Bills which were designed to save money in cities, counties and school districts. (The other bills are 352 and 235) Ross Cannon, representing the Attorney General's office, spoke on the bill. He said his office was opposed to the 10 year call period and feels it should be changed to 5. Also that prohibition from paying for bond advice should be stricken from the bill. It was decided to hold consideration of HB319 until a later date when more witnesses could be present.

Fourth order of business was HJR24. Representative Darrow explained the resolution and then introduced Alex McDermott, Director of the Water Board. Mr. Darrow submitted amendments to HJR24. Mr. Frank Dunkle of the Fish and Game appeared as a proponent of HJR24. He said his commission would have no objection if Cooney Reservoir was turned over to the Fish and Game for maintenance and improvements. Representative Nutting of Carbon County spoke on the need for this legislation. Floor was open to questions:

Aspevig: Will the sale of water bring in more revenue than the Fish and Game will spend in improving this area? Dunkle: All water available is subject to sale to farmers and ranchers in the area. This could draw down the reservoir. You can't compare value of selling water to value of the use of the reservoir.

Drum: Is it the intention of the Fish and Game people or anyone that if this income comes in will it lower the costs of water to the irrigating farmers or will it go into the general fund? McDermott: Money will go into the general fund.

Loman: Does the Fish and Game enter into agreements with private parties?

Dunkle: We do do this out at Canyon Ferry, however it isn't working out very well.

Swan: This is going to cost the Fish and Game Commission a considerable amount.

How much? Dunkle: This is a state parks program and has nothing to do with the Fish and Game Commission.

Drum: Is there going to be enough money coming into the area to justify the

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money spent? Mr. Nutting: If you could have seen Cooney Reservoir before they cleaned it up you could say it was definitely a worthwhile project.

Mr. Williams: Does the Fish and Game Commission now have the responsibility for all state parks maintenance? Dunkle: Yes.

Ulmer: Do you feel this type of agreement will infringe on irrigation rights of the people who are paying for the water? Mr. Nutting: I think there are sufficient controls here. Witnesses were excused.

Mr. Spahr moved that HB334 do pass; motion carried with Mr. Wolf opposing.

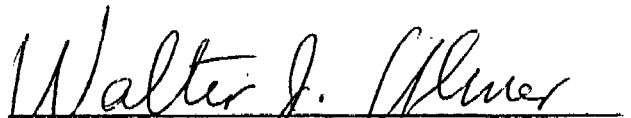
Mr. Swan moved that SB19 do pass; motion carried with no opposition.

Mr. Spahr moved to amend HB344. Discussion followed. Mr. Williams made substitute motion that amendment do not pass for the purpose of deleting the highway department from the commission; motion lost. Motion to amend carried with Mr. Williams opposing.

Mr. Worden moved HB344 as amended do pass; motion carried with Mr. Williams opposing.

Mr. Darrow moved to amend HJR24; motion carried. Mr. Loman moved that HJR24 as amended do pass; motion carried with no opposition.

Meeting was adjourned.


WALTER J. ULMER, CHAIRMAN

Virginia Sawyer, Secretary

Said public hearing is to be announced to all Montana licensed operators thirty (30) days in advance in writing and accompanied by copy of proposed rules and regulations.

Cooperative agreements to enforce.

(b) The department is hereby authorized to enter into cooperative agreements with any of the state agencies or political subdivisions for the purpose of carrying out the provisions of this act, or any part thereof.

Inspections.

Section 7. Inspections.

Regular and special inspections.

(a) The department, through its employees, and through local, county and district health officers, sanitarians, or other authorized representatives, shall make all necessary investigations and inspections for enforcement of this act. Each local, county or district health officer, sanitarian, or other authorized representative shall make regular inspections as the rules and regulations of the board may direct, and such special inspections as the department may from time to time direct, and he shall make such reports relative to conditions existing within his district at such times and in such manner as the board may direct.

Reports.

Free access.

(b) All persons authorized by this act or by regulations adopted under this act shall have free access at all reasonable hours to any of the establishments listed and defined in section 2, for the purpose of making inspections.

Subpoenas.

Section 8. **Authority of board to issue subpoenas.** In any proceeding under this act, the board may administer oaths and issue subpoenas, summon witnesses and take testimony of any person within the state of Montana.

Penalty for violation.

Section 9. **Penalty.** Any person violating any provision of this act or regulation made hereunder shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for the first offense, and not less than seventy-five dollars (\$75) nor more than two hundred dollars (\$200) for the second offense; and for the third and subsequent offenses, by a fine of not less than two hundred dollars (\$200) and imprisonment in the county jail not to exceed ninety (90) days.

License fees.

Section 10. **License fee—supersedes other fees.** Payment of the license fee stipulated herein shall be accepted

in lieu of any and all existing state fees and charges for like purposes or intent which may be existent prior to the adoption of this act.

Separability clause.

Section 11. **Separability clause.** If any clause, sentence, paragraph, section or part of this act, shall for any reason, be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair nor invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

Repealing clause.

Section 12. **Repeal.** All acts or parts of acts in conflict herewith are hereby repealed and specifically sections 34-201, 34-202, 34-203, 34-204, 34-205, 34-206, 34-207, 34-208, 34-209, 34-210, 34-211, 34-212, 34-213, 34-214, 34-215, 34-216, 34-217, Revised Codes of Montana, 1947.

Effective date.

Section 13. **Effective date.** This act shall be effective January 1, 1968.

Approved: February 6, 1967.

CHAPTER 19

An Act Creating a Planning and Economic Development Commission and a Department of State Government to Foster Planning, Growth and Diversification of Industry and Commerce; Abolishing the Planning Board; and Repealing Sections 89-301 Through 89-309, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Montana Planning and Economic Development Act of 1967.

Section 1. This act shall be known and may be cited as the "Montana Planning and Economic Development Act of 1967."

Declaration of necessity and public policy of state.

Section 2. **Declaration of necessity and public policy.** It is hereby declared to be a necessity and the public policy of the state of Montana to promote, stimulate and encourage the planning and development of the economy of the state in order to provide for the social and economic prosperity of its citizens. Such promotion and development of industry, commerce, agriculture, labor

Need for job opportunities.

Planning and
development
necessary.

Governmental
function.

Commission
created.

Members—
appointment.

Term.

Removal.

and natural resources of the state requires that cognizance be taken of the continuing migration of people to the urban areas in search of job opportunities, and the fact that Montana is making a needed transition to a diversified economy. Community planning, greater diversification and attraction of additional industry, accelerated development of natural resources, expansion of existing industry, creation of new uses for agricultural products, greater emphasis on scientific research, development of new markets for the products of the state and the attainment of a proper balance in the over all economic base are all necessary in order to create additional employment opportunities, increase personal income and promote the general welfare of the people of this state. The planning and economic development commission and department hereinafter created shall be regarded as performing a governmental function in carrying out the provisions of this act.

Section 3. Planning and economic development commission. There is hereby created a department of state government to be known as the "department of planning and economic development", of which the governing board shall be a commission designated as the "planning and development commission". The commission shall consist of seven (7) members, and the governor shall be an ex officio member thereof. The governor shall appoint a chairman of the commission as provided hereafter. The other five (5) members of the commission shall be appointed by the governor, shall represent various community and economic interests, and shall be residents and qualified electors of the state. On or before the effective date of this act, the governor shall appoint one (1) member whose term of office shall expire on May 1, 1968, one (1) member whose term of office shall expire on May 1, 1969, one (1) member whose term of office shall expire on May 1, 1970, one (1) member whose term of office shall expire on May 1, 1971, and one (1) member whose term of office shall expire on May 1, 1972. Except appointments to fill unexpired terms, each appointment thereafter shall be for a period of five (5) years. Members of the commission may be removed by the governor, and any vacancy caused by death, removal, disqualification or resignation shall be filled by appointment as hereinabove provided.

The commission shall select from its membership a vice-chairman, a secretary, and such other officers as it may determine to be necessary. The commission shall adopt such rules and regulations for the discharge of its duties as it may from time to time deem necessary, and each member except the governor and the chairman of the commission shall receive the sum of fifteen dollars (\$15.00) per day for each day actually engaged in the performance of the duties of office, and shall be reimbursed for actual and necessary expenses incurred in the performance of the duties of office. The commission is empowered to exercise general supervision of the department, shall establish policy, and shall approve programs undertaken.

Officers.

Rules and
regulations—
compensation
and expenses.

Power of
commission.

Section 4. The executive head of the department is the chairman of the commission, who shall be appointed by the governor, with the consent of the senate, and shall hold office at the pleasure of the governor. The chairman of the commission shall receive such compensation as is fixed by the legislature.

Chairman.

Section 5. The department shall serve as the agency of state government in developing the full potential of the state's human and natural resources. To this end the department shall perform the following functions:

Functions.

(A) State Planning.

State planning

(1) Develop and adopt a comprehensive plan for the physical development of the state of Montana.

Plan.

(2) Make such economic and social studies as may be needed to accomplish the purposes of this act.

Studies.

(3) Coordinate and assist regional development groups in the comprehensive development of the resources of the region to the betterment of Montana.

Coordination.

(4) Assemble and correlate information for the purpose of making long-range plans for economic and resource development of the state and its subdivisions relating to all of the factors which influence the development of new and existing economic enterprises, including taxes and the regulation of industry.

Assemble
information.

(5) Provide advice and assistance to Montana business and labor in the field of economic development and bring to the attention of the governor those significant

Advise and assist.

problems adversely affecting economic development which may be relieved by state action.

Recommend.

(6) Locate and maintain information on prime sites for industrial, agricultural, mineral, forestry, commercial, and residential development and on sites of historical importance, and make recommendations for protecting and preserving such sites.

Administer grants.

(7) Apply for, accept and administer grants from the federal government or other public or private sources to accomplish the objectives of this act, and enter into contracts, including agreements with adjoining states, with respect to planning involving adjoining states.

Consulting.

(8) Serve as the consultative, coordinating, and advisory agency for state departments, officials, and agencies in state planning and for encouraging and aiding local planning bodies, either directly or by securing planning assistance, consulting services and technical aid, which may include land use, demographic and economic studies and surveys, and comprehensive plans.

Community development.
Technical assistance.

(B) Community Development.

(1) Cooperate with and provide technical assistance to county, municipal, state and regional planning commissions, zoning commissions, parks or recreation boards, community development groups, community action agencies, and similar agencies created for the purposes of aiding and encouraging orderly productive and coordinated development of the communities of the state.

Assist governor.

(2) Assist the governor in coordinating the activities of state agencies which have an impact on solution of community development problems and implementation of community plans.

Provide information.

(3) Serve as a clearing house for information, data, and other materials which may be helpful or necessary to local governments to discharge their responsibilities and provide information on available federal, state financial and technical assistance.

Continuing studies.

(4) Carry out continuing studies and analyses of the problems faced by communities within the state and develop such recommendations for administrative or legislative action as appear necessary. In carrying out such studies and analyses, the department shall pay particular

attention to the problems of metropolitan, suburban, and other areas in which economic and population factors are rapidly changing.

(C) Recreational Development.

Recreational development.

(1) Exercise state responsibility for that part of recreational planning and development which is directly related to private investment in recreational facilities.

State responsibility.

(2) Assemble and correlate information which may influence the development of recreational enterprises and disseminates the same to persons, firms or corporations with bona fide interest in constructing or maintaining recreational facilities open to the public.

Assemble information.

(D) Economic Development.

Economic development.

(1) Provide coordinating services to aid state and local groups in the promotion of new economic enterprises and conduct publicity and promotional activities in connection therewith.

Coordination.

(2) Collect and disseminate information regarding the advantages of developing agricultural, recreational, commercial and industrial enterprises within this state.

Collect information.

(3) Serve as the state's official liaison between persons interested in locating new economic enterprises in Montana and state and local groups seeking new enterprises.

Liaison.

(4) Aid communities interested in obtaining new business or expanding existing business.

Aid communities.

(5) Study and promote means of expanding markets for Montana products.

Study.

(6) Encourage and coordinate public and private agencies or bodies in publicizing the facilities and attractions of the state.

Coordinate.

Section 6. The department may contract for consulting services for the purpose of undertaking and conducting planning and study projects. It may make agreements with other state agencies in order to effectuate its own research programs. It may initiate research, but when possible shall make full use of and strengthen the research resources of other state agencies, including the university system. Other state agencies are directed to

Contract for consulting services.

Research.

provide the department with such information as will assist it in carrying out the purposes of this act.

Cooperate with other agencies.

The department shall assist and cooperate with other state agencies and officials, with official organizations of elected officials in the state, with local governments and officials, and with federal agencies and officials, in carrying out the functions and duties of the department.

Consultation—hearings.

It may consult with private groups and individuals, and if the department deems it desirable, hold public hearings to obtain information for the purposes of carrying out this act.

Administrators—appointment of personnel.

Section 7. Each division or section of the department may be under the management of an administrator, responsible to the chairman of the commission, and such administrators and all subordinate personnel of the department shall be appointed by the chairman of the commission, with the consent of the commission.

Annual report.

Section 8. The commission shall prepare an annual report of its activities for the governor and the legislature and may issue and disseminate special reports concerning any phase of its work.

State planning board abolished.

Section 9. The state planning board is abolished. All records, property and moneys of the state planning board are transferred to the planning and economic development commission.

Repealing clause.

Section 10. Sections 89-301, 89-302, 89-303, 89-304, 89-305, 89-306, 89-307, 89-308, and 89-309, R.C.M. 1947 are repealed.

Approved: February 6, 1967.

CHAPTER 20

An Act to Control Weather Modification Activities and Designating the State Water Conservation Board as the Agency to Administer This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

"Weather modification and control."

Section 1. As used in this act unless the context clearly indicates otherwise "weather modification and control" means changing or controlling, or attempting to

change or control, by artificial methods, the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

Section 2. The state water conservation board, hereafter referred to as the "board," is the state agency responsible for administration of this act. Members of the board shall receive no compensation for the performance of their duties under the provisions of this act but shall be reimbursed for expenses necessarily incurred.

Water conservation board to administer—compensation—expenses.

Section 3. In addition to any other acts authorized by law the board may:

Powers of board.

(1) establish advisory committees to advise with and make recommendations to the board concerning legislation, policies, administration, research, and other matters;

Advisory committees.

(2) acquire materials, equipment and facilities as are necessary to perform its duties under this act;

Materials.

(3) receive any funds which may be offered or become available from federal grants or appropriations, private gifts, donations, bequests, or any other source and unless their use is restricted, may expend the funds for the administration of this act.

Administer funds.

Section 4. No person shall engage in activities for weather modification and control except under, and in accordance with, a license and a permit issued by the board authorizing such activities.

Licensing.

Section 5. The board shall review all applications for weather modification activity, and may provide by rule for exempting from the license and permit fees:

Applications—exemptions.

(1) research, development, and experiments by state and federal agencies, institutions of higher learning and bona fide nonprofit research organizations and their agents;

(2) laboratory research and experiments;

(3) activities of an emergency character for protection against fire, frost, sleet, or fog; and

(4) activities normally engaged in for purposes other than those of inducing, increasing, decreasing, or preventing precipitation or hail.